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complaint were so different from the previous allegations as to require them to be presented to the Contracting Officer (CO) for a decision. The revised claim was presented to the CO for decision. The claim alleged additional excavation, loading, hauling and spreading of material. When no decision had been issued on the revised claim by November 12, 2004, the Appellant appealed the CO's deemed denial of his claim. This appeal was docketed as AGBCA No. 2005-114-1. The previous appeal was subsumed into the new appeal. The Board thereafter set a hearing for April 12-14, 2005, to be held in Coeur d'Alene, Idaho.

The Board has now received a joint stipulation from the parties indicating that the appeals have been settled and requesting dismissal with prejudice.

DECISION

Pursuant to the request of the parties, the appeals are dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
March 22, 2005